

Samantha Kelly

Counsel



Samantha Kelly is Counsel in our Real Estate Law practice.

About Samantha

Samantha joined Cliffe Dekker Hofmeyr as a Candidate Attorney in 2013, during which time she had exposure to labour law, dispute resolution and real estate.

Samantha was appointed as an Associate in 2015 in our Real Estate practice, was promoted to Senior Associate in 2018 and was promoted to Counsel in 2023.

Credentials

Education

- BA - University of Witwatersrand
- LLB - University of Witwatersrand (cum laude)
- Admission as Attorney: 2015
- Admission as Notary: 2015
- Admission as Conveyancer: 2015
- Enrolled with the Legal Practice Council

Experience

- Acts for various project companies and lenders in the renewable energy sector (solar and wind farms), in respect of land, which includes: land-related due diligence investigations; reviewing, drafting and registration of notarial leases; reviewing, drafting and registration of servitudes; facilitating, obtaining and reviewing land-related regulatory approvals and consents; investigating land claims; and issuing legal opinions.
- Experience in negotiations, drafting and conveyancing in commercial property transactions, which experience includes; Attending to the disposal of letting enterprises for JSE-listed property funds; vendor loans; Asset swaps and property exchanges between property companies (such as: swap of one-half share in Menlyn Shopping Centre and Cavendish Shopping Centre between Pareto Limited and Old Mutual Property, worth approximately R4.3 billion; and exchange of Synergy's retail assets for Vukile's office and industrial assets to Synergy, worth approximately R5.5 billion); and conversion of a Collective Investment Schemes to Real Estate Investment Trusts for a Listed Property Fund and assisting all aspects of the conveyancing process involved therein (deal value of approximately R10 billion).

Contact Samantha

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[Samantha on LinkedIn](#)

Expertise

[Real Estate Law](#)

Location

Johannesburg

Language

English

- Drafting and negotiation of security documents, which experience includes-
 - registration of a notarial bonds over a fibre network for R23 billion;
 - registration of special notarial bond for \$2,2 billion over a telecommunication network.
- Opening of townships and sectional title schemes and all aspects related thereto, including: subdivisions / consolidations / excisions / removal of title conditions / endorsement applications (e.g. section 4(1)(b) / section 93(1)) / SPLUMA legislation and relevant by-laws.
- Leasehold transactions and developments, which experience includes-
 - disposal of commercial leasehold land for the value of R212 million
 - various aspects of the leasehold model at Waterfall Estate (99-year long-term leasehold structure)
 - drafting of leasehold development rights agreements, development leases and end-user long-term leases
- Commercial negotiations, drafting and conveyancing of the asset swaps and property exchanges between property companies (such as: swap of one-half share in Menlyn Shopping Centre and Cavendish Shopping Centre between Pareto Limited and Old Mutual Property, worth approximately R4.3 billion; and exchange of Synergy's retail assets for Vukile's office and industrial assets to Synergy, worth approximately R5.5 billion).
- Opening of townships and sectional title schemes and all aspects related thereto, including: subdivisions / consolidations / excisions / removal of title conditions / endorsement applications (e.g. section 4(1)(b) / section 93(1)) / SPLUMA legislation and relevant by-laws.

News

[Compliance certificates when leasing a property](#)

It is trite that property-related compliance certificates are legal requirements when owning and transferring a property.

[Samantha Kelly discussed balancing her career and her role as a mom](#)

Samantha Kelly, Counsel in the Real Estate Law practice was featured in the DealMakers Women 2024 Issue where she discussed balancing her career and her role as a mom.

[What are your legal obligations for obtaining an Energy Performance Certificate in respect of your property?](#)

In 2020, the Minister of Mineral Resources and Energy published a regulation for the mandatory display and submission of Energy Performance Certificates (EPCs) for certain buildings (Regulations). The Regulations impose obligations on owners of specific non-residential buildings to obtain an EPC.

[Going back to basics: The importance of reducing the essential terms of a sale of property agreement to writing](#)

The recent judgment of *Cooper N O and Another v Curro Heights Properties (Pty) Ltd* (1300/2021) ZASCA 66 (16 May 2023) once again highlights the importance of reducing the essential terms of a sale of property agreement to writing.

[Mixed-use schemes: Is it fair for owners of residential units to have different voting rights to the owners of commercial units within the same sectional title scheme?](#)

This question was considered in the case of *Rampul v Trustees of Mangrove Beach Centre Body Corporate and Others* (9823/2022P) ZAKZPHC 81 (15 December 2022).

Videos

[What to do when closing a property deal](#)

Samantha Kelly, Senior Associate in our Real Estate practice featured on Business Day TV, where she discussed what to do when closing a property deal.

[All news by Samantha Kelly →](#)

Recognition

- Legal 500 EMEA
 - The Legal 500 EMEA 2022 - 2025 recommended Samantha for Real Estate and notes her as a key lawyer.